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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY

NOTIFICATION

The 19th August, 2013.

No.9034/L.A.—The following report of the Select Committee on the International Institute of Information Technology, Bhubaneswar Bill, 2012 together with the Bill as amended by the Select Committee is hereby published for general information under Rule 77 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly.

**REPORT OF THE SELECT COMMITTEE ON THE
INTERNATIONAL INSTITUTE OF INFORMATION TECHNOLOGY,
BHUBANESWAR BILL, 2012**

We, the members of the Select Committee on the International Institute of Information Technology, Bhubaneswar Bill, 2012, have the honour to submit this report together with a copy of the Bill as amended by us, herewith annexed.

The aforesaid Bill was introduced in the Odisha Legislative Assembly on the 29th March, 2012 and was referred to the Select Committee on the 20th December, 2012 with instructions to submit its report by the last week of the next session, i.e. 12th Session of the 14th Assembly.

Since the Committee could not finalize the consideration of the Bill, the time for presentation of its report was extended by the House on 6th April, 2013. The Committee is to present its report within the last week of the current Session i.e. the 13th Session of the 14th Assembly.

The Committee had five sittings in all.

In the first meeting held on the 1st March, 2013 the Select Committee discussed the objects of the Bill in general and considered the Bill clause by clause. The Committee approved the Report on the 16th August, 2013.

In this Report, references to clauses are the references to the original clauses of the Bill. We have made some changes. The reasons for such changes made in the Bill, apart from those of purely drafting and consequential nature, are as follows:—

C H A P T E R-I

CLAUSE-2

The Select Committee during course of its examination of clauses of the Bill observed that certain words that have been used in the clauses of the Bill are required to be defined in this clause in order to avoid ambiguities. Accordingly the Select Committee recommended that the following definitions be inserted at the appropriate stages in this clause:-

1.
 - (i) “Comptroller of Finance” means Comptroller of Finance of the Institute;
 - (ii) “Controller of Examination” means the Controller of Examination of the Institute;
 - (iii) “Dean(s)” means Deans of various schools of the Institute;
 - (iv) “Registrar” means the Registrar of the Institute;
 - (v) “Senate” means the Senate of the Institute;
2. Consequent upon observation made in clause 20 of the Bill, sub-clause (b) be deleted and sub clauses to clause 2 of the Bill be renumbered as consequential;
3. The words “Board of Studies” wherever occur in the Bill be deleted as consequential;
4. The word “ordinance” wherever occurs in the Bill be deleted as consequential to the recommendation made in clause 25; and
5. In the definitions “Finance Committee” and the “Fund”, for the words and figure “section 21” and “section27”, shall, respectively, be substituted as “section 20” and “section26” in view of omission of clause 20 of the Bill.

C H A P T E R-II

CLAUSE - 6

In clause 6 of the Bill, the Select Committee observed that the word “e-leaming” appearing in Clause 6(c), the word “refreshing” appearing in Clause 6(h) of the Bill are typographical errors and thereby the same be substituted by the words “e-learning” and “refresher” respectively.

CLAUSE - 7

While examining the first proviso to clause 7 of the Bill, the Select Committee observed that fifty per centum reservation of seats in B. Tech Classes should be mandatory for the students of Odisha domicile for the purpose of admission. The Committee further observed that the second proviso relating to reservation of seats for various categories should be in consonance with Govt. policies. Accordingly the Select Committee recommended that both the provisions to Clause 7 of the Bill be substituted as under:—

Provided that the Institute shall reserve fifty percent of the seats of its intake capacity for B. Tech Programme for the students of Odisha domicile for the purpose of admission and the seats so reserved for students of Odisha domicile shall be termed as ‘State Category seats’.

Provided further that the Institute shall in consonance with the Government policies from time to time, reserve seats out of the State Category seats for admission for the members of the Scheduled Castes and Scheduled Tribes or Socially and Educationally Backward Classes of citizens or Women or any other category of persons.

Provided further that the institute may, in consonance with Government policies reserve posts for employment for the members of Scheduled Castes and Scheduled Tribes or the Socially and Educationally Backward Classes of citizens or Women or any other category of persons.

C H A P T E R-III

CLUASE - 10

In Sub-clause (1) of Clause 10 of the Bill, the Committee observed the words “administrative experience” appeared in this Sub-clause should be defined and it should be related to an Institution which has been affiliated to a particular university.

Accordingly the Committee recommended that after the words “ higher learning” appearing in the 4th line and before the word ‘and’ the words “or above, which must have been either affiliated to a recognized university or must be a university or deemed university or an Institute of National Importance” be inserted.

Further the Select Committee observed that the provisions contained in first proviso to sub-clause (1) is not appropriate in this clause. For the purpose of drafting improvement and to make it clear the same should be deleted and inserted in clause 39.

Accordingly, the Select Committee recommended that the first proviso to sub-clause (1) be deleted and inserted in clause 39 with the necessary amendments as recommended in such clause.

C H A P T E R-IV

CLAUSE - 16

The Committee observed that since IIIT, Bhubaneswar is proposed to be a non-affiliating unitary University, a separate “Board of Studies” as an authority of the Institute is not necessary. The Senate can perform the functions of the Board of Studies as in the case of IITs.

Accordingly the Select Committee recommended as follows:—

- (i) the word “and” be added at the end of sub-clause (b);
- (ii) Clause 16(c) be deleted; and
- (iii) sub-clause (d) be renumbered as sub-clause (c) as consequential.

CLAUSE - 17

In clause 17 of the Bill, the Select Committee examined the provisions relating to constitution of the Board of Governors and observed that the Development Commissioner, Government of Odisha may sometimes be too pre-occupied to attend the Board meetings and this may affect the functioning of the Board of Governors. Hence, the position should be excluded from the Board as an ex-officio member. Since in the meantime the administration of Technical Education in the State has been vested with the newly created Employment and Technical Education & Training (ETET) Department, the Secretary to Government, Employment and Technical Education & Training (ETET) Department should be an ex-officio member of the Board in place of the Secretary to Government, Industries Department.

The Select Committee further observed that two Members from the Odisha Legislative Assembly should be nominated to be the members of the Board as in such other Universities. Accordingly the Select Committee recommended that the Clause 17(1) be substituted as follows:

“17. (1) The Board shall consist of a Chairman to be nominated by the Chancellor in the manner prescribed and following other members, namely:—

(a) Ex-officio members—

- (i) Secretary to Government, Information Technology Department;
- (ii) Secretary to Government, Employment and Technical Education & Training Department;
- (iii) Secretary to Government, Higher Education Department; and
- (iv) the Director.

(b) Other members:—

- (i) three persons of eminence in the field of Information Technology or related discipline to be nominated in the manner prescribed in the Statutes;
- (ii) three persons representing industries of Information Technology to be nominated in the manner prescribed;
- (iii) one professor of the Institute to be nominated by the Director ; and
- (iv) two Members from the Odisha Legislative Assembly to be nominated by the Speaker.

(c) The Registrar, who shall be the member-Secretary.”

CLAUSE - 19

Consequent upon the amendment proposed in clause-26 (renumbered clause-25) by the Select Committee, the words and, “ Ordinance, Rules and” appearing in clause-19 (4) of the Bill shall be omitted.

CLAUSE - 20

Consequent upon the amendment proposed in clause-16(c) by the Select Committee, the clause-20 becomes redundant & the same be deleted and all subsequent clauses be renumbered as consequential.

CLAUSE - 21

The Select Committee observed that the Comptroller of Finance of the Institute should be the member-convener of the Finance Committee for administrative convenience. Accordingly the Select Committee recommended that

- (a) the following item be inserted:-
- “(ii) the Comptroller of Finance shall be the member convener of the said committee”; and
- (b) The existing items (ii) and (iii) be renumbered as items (iii) and (iv) respectively.

CLAUSE - 24

The Select Committee observed that the Board should be empowered with absolute authority to make new or additional statutes for the Institute. Further the proviso to the clause 24(2) of the Bill is redundant as a member of any authority can represent the Board, if necessary, in any matter including matters relating to amendment / repeal of Statutes.

Accordingly the Select Committee recommended that proviso to clause 24(2) of the Bill be deleted.

CLAUSE - 25

The Select Committee observed that Rules and Regulations adequately cover the tasks proposed to be carried out through Ordinances. Hence, the word “Ordinance(s)” should be replaced by the word “Regulation” in this clause and in all other clauses of the Bill.

The Committee also observed that framing of Rules and Regulations should be further elaborated in the Bill. Accordingly, the Select Committee recommended that the sub-clause (2) be substituted as follows:—

“(2) The first Regulation shall be made by the Director with the approval of the Government and Subsequent Regulations shall be made by the Senate;

(3) All Regulations made by the Senate shall have the effect from such date as it may direct, but every regulation so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board at its next succeeding meeting; and

(4) The Board shall have power by resolution to modify or cancel any such regulation and such regulation shall, from the date of such resolution, stand modified accordingly or cancelled, as the case may be.”.

The Committee further recommended that sub-clause (3) shall be omitted and the words “ordinances and” appearing in marginal heading of this clause also be omitted as consequential.

CLAUSE - 26

Consequent upon deletion of Clause 20, the existing clause shall be re-drafted in the following manner:-

“25(1) The first Rules shall be made by the Director with the approval of the Government and subsequent Rules may be made by the Senate and Finance Committee with the approval of the Board.

(2) The Rules made by the Senate and the Finance Committee shall be in consistent with the Act and the Statutes which shall be made in the manner prescribed by the Statutes for the conduct of their business”.

CLAUSE - 39

Consequent upon the recommendation of the Select Committee at clause 10 (1) of the Bill,

the following sub clause be inserted after sub-clause (1) of clause 39 (renumbered clause 38);

(2) Person holding the office as Director of the Society immediately before the appointed date referred to in section 4 shall be deemed to be the Director of the Institute with effect from that date until regular appointment is made to the post by the Chancellor in accordance with the provision of this Act and Statutes.

Provided that the remuneration and other conditions of service shall not be varied to the disadvantage of the Director during his tenure as such;

(3) Person holding the office as Registrar and person holding the office of the Comptroller of Finance of the Society immediately before the appointed date referred to in section 4 shall be deemed to be the Registrar and the Comptroller of Finance of the Institute with effect from that date until regular appointments are made to the said offices in accordance with the provision of this Act and Statutes.

The existing sub-clause (2) renumbered as clause 38 shall be renumbered as sub-clause (4).

CLAUSE 1, SHORT TITLE AND ENACTING FORMULA

Lastly the Committee recommended that since the Bill is likely to be passed in the year 2013, the following amendment be made in Clause 1, Short Title and enacting formula of the Bill:-

- (i) In the Clause 1 of the Bill, the figures “2012” appearing in sub-clause (1) be substituted by the figures “2013”; and
- (ii) The words “sixty-third” appearing in the enacting formula of the Bill be substituted by the words “sixty-fourth” as consequential.

The Bill was published in the Odisha Gazette, Extraordinary dated the 30th March, 2012. We do not consider its republication necessary. We, therefore, recommended that the Bill as so amended by us be passed.

CHAIRMAN

Shri Pratap Keshari Deb,
 Hon'ble Minister of State (Independent Charge),
 Food Supplies & Consumer Welfare, Employment
 and Technical Education & Training and Information
 Technology.

MEMBER

Shri Kalpataru Das
 Hon'ble Minister Panchayati Raj & Parliament
 Affairs.

Shri Ramesh Chandra Majhi
 Hon'ble Minister of State(S), Sports & Youth
 Services, Science & Technology, Public Grievances
 & Pension Administration.

Shri Pravata Kumar Tripathy
 Government Chief Whip

Shri Prasad Kumar Harichandan
 Chief Whip of Congress Legislature Party

Shri Sanjay Kumar Das Burma
 Government Deputy Chief Whip
 Shri Prafulla Samal, M.L.A.

Shri Rabi Narayan Pani, M.L.A.

Shri Kanak Vardhan Singh Deo, M.L.A.

Shri Chakradhara Paik, M.L.A.

Shri Prashanta Nanda, M.L.A.

* Shri Ranendra Pratap Swain, M.L.A.

Shri Rama Chandra Kadam, M.L.A.

* Submitted a note of dissent which is appended at page ____ & ____.

**THE INTERNATIONAL INSTITUTE OF INFORMATION TECHNOLOGY,
BHUBANESWAR BILL, 2012**

(As Amended by the Select Committee)

[Note-All matters omitted by the Select Committee have been printed in italics and included in square brackets and new matters inserted have been underlined]

**A
BILL
TO ESTABLISH AND INCORPORATE INTERNATIONAL INSTITUTE OF
INFORMATION TECHNOLOGY UNIVERSITY AT BHUBANESWAR
IN THE STATE OF ODISHA FOR MATTERS CONNECTED
THEREWITH OR INCIDENTAL THERETO.**

Whereas the State Government in their Resolution No. 3692/IT dated the 30th of October, 2006, issued by the Information Technology Department, decided to establish a world-class institute on Information Technology by creating a society in the name and style as "International Institute of Information Technology, Bhubaneswar" registered under the Societies Registration Act, 1860, the objects of which *inter alia*, includes to carry out higher learning, research and development activities in the field of Information Technology discipline;

And whereas in furtherance of the above object, the said International Institute of Information Technology, Bhubaneswar has started imparting quality education in Information Technology and related areas of Computer Science and Engineering since 2007-08;

And whereas the said institute has been granted academic autonomy by Biju Patnaik University of Technology to run M.Tech programme in Computer Science and Engineering;

And whereas the International Institute of Information Technology Bhubaneswar, Society has requested the State Government to establish International Institute of Information Technology Bhubaneswar, University on the lines of rules framed by the said institute to enable it to carry out its objects and functions efficiently;

And whereas it is considered necessary to encourage the establishment of such a specialized institution of higher learning on Information Technology at Bhubaneswar;

And whereas it is expedient to establish a non-affiliating International Institute of Information Technology University for the purposes;

BE it enacted by the Legislature of the State of Odisha in the *[Sixty-third]* sixty-fourth Year of the Republic of India as follows:—

CHAPTER- I

PRELIMINARY

Short title and commencement

1. (1) This Act may be called the International Institute of Information Technology, Bhubaneswar Act, [2012] 2013

(2) It shall come into force on such date as the Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Board" means the Board of Governors of the Institute;

[(b) "Board of studies". means the Board of Studies of the Institute;]

[(c)] (b) "Chairman" means the Chairman of the Board;

[(d)] (c) "Chancellor" means the Chancellor of the Institute;

[(e)] (d) "Council" means the All-India Council for Technical Education established under the provisions of the All-India Council for Technical Education Act, 1987;

(e) "Comptroller of Finance" means Comptroller of Finance of the Institute;

(f) "Controller of Examination" means the Controller of Examination of the Institute;

(g) "Dean(s)" means Deans of various schools of the Institute;

[(f)] (h) "Director" means the Director of the Institute;

[(g)] (i) "Employee" means any person appointed by the Institute and includes teachers and other staff of the Institute;

[(h)] (j) "Faculty" means Faculty of the Institute;

[(i)] (k) "Finance Committee" means the Finance Committee of the Institute referred to in section [21] 20;

[(j)] (l) "Fund" means the Fund of the Institute established under section [27] 26;

[(k)] (m) "Government" means the Government of Odisha;

52 of 1987

[(l)] (n) "Institute" means International Institute of information Technology Bhubaneswar University established under section 3;
 [(m)] (o) "Prescribed" means prescribed by Statutes, Regulations or Rules;
 (p) "Registrar" means the Registrar of the Institute;
 [(n)] (q) "School" means a Center or a Department established, managed, maintained and controlled by the Institute;
 (r) "Senate" means the Senate of the Institute;
 [(o)] (s) "Society" means International Institute of Information Technology Bhubaneswar Society which was registered as a Society under the Societies Registration Act, 1860;

21 of 1860

[(p)] (t) "Statutes", ("Ordinance"), "Regulations" and "Rules" means respectively, the "Statutes", ("Ordinance"), "Regulations" and "Rules" of the Institute made under this Act;
 [(q)] (u) "teacher" means a Professor, Associate Professor, Assistant Professor and such other persons as may be appointed or recognized by the Institute for the purpose of imparting instructions or conducting or supervising research in a school and declared by the Statutes to be a teacher;
 [(r)] (v) "UGC" means University Grants Commission constituted under the University Grants Commission Act, 1956;

3 of 1956

CHAPTER-II

INSTITUTE

Establishment and incorporation of Institute.

3. (1) With effect from such date as the Government may, by notification, appoint in this behalf, there shall be established in the state of Odisha, a non- affiliating university by the name of the International Institute of Information Technology, Bhubaneswar.

(2) The Institute shall be a body corporate by the name aforesaid with perpetual succession and a common seal with power, subject to the provisions of this Act to acquire and hold property, both movable and immovable and to contract, and shall, by the said name, be entitled to sue and be sued.

(3) The headquarters of the Institute shall be at Bhubaneswar.

Effect of establishment of the Institute.

4. (1) On and from the appointed date,-

(a) any reference to the Society in any law, other than this Act, or in any contract or other instrument, shall be deemed as a reference to the Institute;

(b) all property, movable and immovable, of or belonging to the Society shall vest in the Institute;

(c) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of the Institute;

(d) every person employed by the Society, immediately before such appointed date shall hold his office or service in the Institute for the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to leave, gratuity, provident fund and other matters as he would have held if this Act had not been commenced, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute of compensation equivalent to three months' remuneration in the case of permanent employee and one month's remuneration in the case of other employees.

Explanation:— For the purpose of this section, the expression "appointed date", means the date appointed under sub-section (I) of section 3.

(2) Not withstanding any thing contained in the Biju Patnaik University of Technology Act, 2002 and the statutes made thereunder,—

(a) The Society shall, with effect from the appointed date, cease to be affiliated from the Biju Patnaik University of Technology and shall stand transferred to the Institute;

(b) every student, continuing study under the Society immediately before the appointed date and registered with the Biju Patnaik University of Technology, shall have a power to exercise option either to continue his registration with Biju Patnaik University of Technology constituted under the Biju Patnaik University of Technology Act, 2002 or to be registered under this Institute;

(c) the result published and the Grade Sheet provided by the Biju Patnaik University of Technology for all the examinations conducted by it immediately before the appointed date for the students who opted to be registered under the Institute shall be deemed to have been accepted by the Institute and for such students, the Institute shall conduct the examinations for remaining semesters following the syllabus, regulations and grading pattern of the Biju Patnaik University of

Odisha Act 9 of 2002

Odisha Act 9 of 2002

Technology as applicable to their batch and the Institute shall award degree to such students upon successful completion of the courses.

Objects of the Institute.

5. The Institute shall have the following objects, namely:—

- (a) to promote education, research and training in the branches of Information Technology and Computer Science and Engineers of engineering and technology, including such other branches and its application to architecture, pharmacy, applied arts and crafts, management and applied sciences for the advancement of knowledge and for the betterment of the Society;
- (b) to devise and implement programmes of education in the field of Information Technology or in such other field and its application to architecture, pharmacy, applied arts and crafts, management and applied sciences that are relevant to the changing needs of the Society;
- (c) to serve as a centre for fostering co-operation and interaction between the academic and research community on the one hand and industry on the other;
- (d) to organize exchange programmes with other institutions of repute in India and abroad with a view to keeping abreast of the latest developments in the relevant areas of teaching and research;
- (e) to achieve excellence in the field of Information Technology and matters connected therewith or incidental thereto;
- (f) to create a paradigm shift in Information Technology for improving the delivery of services in selected domains;
- (g) to be an open Institution to attract best minds of the world and to be completely globally integrated;
- (h) to provide for industrial consultancy services;
- (i) to undertake such other activities, as may be required to fulfill the above objects.

Powers and functions of Institute.

6. The Institute shall have the following powers and functions, namely:—

- (a) to establish and maintain schools for higher studies and research in Information Technology and Computer Science engineering and its application to study architecture, pharmacy, applied arts and crafts, management and applied sciences including such other branches of engineering and technology;
- (b) to provide for instruction and training including various methods of learning in such branches of learning as are in keeping with the objects of the Institute and to make provision for research and for the advancement and dissemination of knowledge;
- (c) in co-operation or in collaboration with the other Universities or institutions or authorities or associations, to provide higher learning through *[e-leaming]* *e-learning* technique and in such manner and for such purpose as the Board may determine;
- (d) to frame Statutes, Regulations *[, Ordinances]* and Rules and to alter, modify or rescind the same;
- (e) to institute degrees, titles, diplomas and other academic distinctions;
- (f) to grant, subject to such condition as the Institute may determine, diplomas or certificates, and confer degrees and other academic distinctions on the basis of examinations, evaluation or any other method of assessment, on persons and to withdraw any such diplomas, certificates degrees or other academic distinctions for good and sufficient cause;
- (g) to confer honorary degrees, or other distinctions upon distinguished persons in accordance with the conditions to be prescribed by the Statutes;
- (h) to organize and conduct *refresher* *[refreshing]* courses, workshop, seminars and other programmes for teachers, evaluators and other academic staff;
- (i) to appoint on contract or otherwise visiting professors, professors, Associate Professor, Assistant Professor, Consultant, Scholars and such other persons who may contribute to the advancement of the objects of the Institute;
- (j) to institute Professorships, Associate Professorship, Assistant Professorship and other teaching or academic positions, required by the Institute and to appoint persons to such Professors, Associate Professors, Assistant Professors and other teaching or academic positions;
- (k) to create administrative, ministerial and other posts and to make, appointments thereto on contract or otherwise;
- (l) to appoint persons working in any other Institute or organization as teachers of the Institute for a specified period;
- (m) to make arrangements for promoting the health, general welfare and moral well being of students and employees and take such measures as would foster in them habits of hard work, self-discipline and spirit of service to society;
- (n) to appoint persons working in any other Institute or organization as teachers of the Institute for a specified period;
- (o) to determine the standards for admission to the Institute, which may include examination, evaluation or any other method of testing;

- (p) to demand and receive payment of fees and other charges as may be fixed, from time to time;
- (q) to hold and manage endowments and bursaries and to institute and award fellowships, scholarships, studentships, medals and prizes;
- (r) to supervise the residence of the students of the Institute and to make arrangements for promoting their health and general welfare;
- (s) to make such special arrangements in respect of women students as the Institute may consider deem fit;
- (t) to regulate and enforce discipline among the employees and the students of the Institute and take such disciplinary measures in this regard as may be deemed necessary;
- (u) to institute, raise and provide funds wherever necessary for carrying out the functions of the Institute;
- (v) to borrow with the approval of the State Government and on the security of the Institute, property, money for the Institute;
- (w) to receive benefactions, donations and gifts from persons and to name such chairs, institutions, buildings and the like as the Institute may determine;
- (x) to dispose of any property (both movable and immovable) acquired or created with the assistance of the Government for the purposes of the Institute with prior approval of the Government;
- (y) to establish, maintain, manage and confer recognition to hostels;
- (z) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions or bodies as the Institute may deem necessary;
- (za) to do such other acts and things as may be necessary, incidental or conducive in furtherance of all or any of the objects of the Institute.

Institute to be open for all.

7. The Institute shall be open to persons of either sex and or whatever race, creed, caste or class, and it shall not be lawful for the Institute to adopt or impose on any person any test whatsoever of religious belief or profession or political opinion in order to entitle him to be appointed as a teacher of the Institute or to hold any other office therein or to be admitted as a student of the Institute, or to graduate thereat, or to enjoy or exercise any privilege thereof:

[Provided that the Institute may reserve seats not exceeding fifty percentum of the intake capacity, for the students of Odisha domicile for the purpose of admission as students to any of the academic programme of the Institute.

Provided further that the Institute may, in consonance with the Government policies, reserve posts for employment or seats for admission for the members of the Socially and Educationally Backward Classes of Citizens or Scheduled Castes and Scheduled Tribes or women or any other category of persons.]

Provided that the Institute shall reserve fifty percent of the seats of its intake capacity for B. Tech Programme for the students of Odisha domicile for the purpose of admission and the seats so reserved for students of Odisha domicile shall be termed as 'State Category seats'.

Provided further that the Institute shall in consonance with the Government policies from time to time, reserve seats out of the State Category seats for admission for the members of the Scheduled Castes and Scheduled Tribes or Socially and Educationally Backward Classes of citizens or Women or any other category of persons.

Provided further that the institute may, in consonance with Government policies reserve posts for employment for the members of Scheduled Castes and Scheduled Tribes or the Socially and Educationally Backward Classes of citizens or Women or any other category of persons.

CHAPTER - III

CHANCELLOR AND OFFICERS OF THE INSTITUTE

Chancellor.

8. (1) The Governor of Odisha shall, by virtue of his office, be the Chancellor of the Institute.

(2) The Chancellor may from time to time, appoint one or more persons to review the work and progress of the Institute and to submit a report thereon and upon receipt of that report, the Chancellor may, after obtaining the views of the Board through the Director, take such action and issue such direction as he considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such direction.

(3) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the Institute, its buildings, laboratories and equipment, and also of the examination, teaching and other work conducted or done by the Institute, and to cause an inquiry to be made in the like manner in respect of any matter connected with the administration or finances of the Institute.

(4) The Chancellor shall, in every case referred to in sub-section (3) give notice to the Institute of his intention to cause an inspection or inquiry to be made, and the Institute shall, on receipt of such notice, have the right to make such representation to the Chancellor, as it may consider necessary, within such period as specified in the notice.

(5) After considering the representation, if any, made by the Institute, the Chancellor may cause such inspection or inquiry to be made, as referred to in sub-section (3).

(6) Where an inspection or inquiry has been ordered by the Chancellor, the Institute shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(7) The Chancellor may address the Director with reference to the result of such inspection or inquiry as is referred to in sub-section (3) and the Director shall communicate to the Board the views of the Chancellor with such advice as the Chancellor may be pleased to offer upon the action to be taken thereon.

(8) The Board shall communicate through the Director to the Chancellor such action, if any, as it proposes to take or has been taken by it upon the result of such inspection or inquiry.

(9) Where the Board does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may issue such directions as he may think fit and the Board shall comply with such directions.

(10) Without prejudice to the foregoing provisions of this section, the Chancellor may, by order in writing, annul any proceeding of the Institute which is not in conformity with the Act, the Statutes, Regulations [*Ordinance*] and Rules:

Provided that before making any such order, he shall call upon the Registrar to show cause, why such order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(11) The Chancellor shall have such other powers as may be prescribed by the Statutes.

Officers of the Institute.

9. The following shall be the officers of the Institute, namely:—

- (a) the Director;
- (b) the Deans of Schools;
- (c) the Registrar;
- (d) the Comptroller of Finance;
- (e) the Controller of examinations; and
- (f) such other officers as may be declared by the Statutes to be the officers of the Institute;

Director.

10. (1) The Director shall be a scholar of eminence in the area of Information Technology or related discipline having administrative experience for a period of at least three years at the level of Dean, Director or Principal in a Degree level Technical Institution of higher learning or above, which must have been either affiliated to a recognized university or must be a university or deemed university or an Institute of National Importance and shall be appointed by the Chancellor on recommendation of a selection committee appointed by the Board in such a manner, on such terms and on such emoluments and other conditions of service, as may be prescribed:

[Provided that the person holding the office as Director of the Society immediately before the appointed date referred to in section 4 shall be deemed to be the Director of the Institute with effect from that date until regular appointment is made to the post by the Chancellor in accordance with the provision of this Act and Statutes:]

Provided further that the remuneration and other conditions of service shall not be varied to the disadvantage of the Director during his tenure as such.

(2) The Director shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment for another term or till he attains the age of superannuation (which is sixty five years) whichever is earlier, without following the procedure specified in sub-section (1).

(3) The Director shall be the principal academic and executive officer of the Institute and shall exercise supervision and control over the affairs of the Institute and give effect to the decisions of all the authorities of the Institute.

(4) The Director may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the Institute by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter.

Provided that if the authority differs on the action taken by the Director, such action shall be referred to the Chancellor whose decision thereon shall be final.

(5) The Director shall exercise such other powers and perform such other functions as may be prescribed.

The Dean of Schools.

11. Every Dean of School shall be appointed by the Board in such manner and shall exercise such powers and perform such duties, as may be prescribed.

The Registrar.

12.(1) The Registrar shall be appointed by the Board in such manner, on such emoluments and on such other conditions of service, as may be prescribed.

(2) The Registrar shall have the power to enter into agreement, sign documents and authenticate records on behalf of the Institute and shall exercise such other powers and perform such other functions, as may be prescribed.

The Comptroller of Finance.

13. (1) The Comptroller of Finance shall be appointed by the Board in consultation with the State Government.

(2) The qualification and experience required, mode of selection, emoluments, other conditions of service, powers, functions, duties and responsibilities etc. for the post of the Comptroller of Finance shall be such, as may be prescribed in the Statutes.

Controller of Examinations.

14. The Controller of Examination shall be appointed in such manner, on such emoluments and such other conditions of services and shall exercise such powers and perform such functions, as may be prescribed.

Other Officers.

15. The manner of appointment, emoluments, powers and other conditions of service of the other such officers of the Institute shall be such, as may be prescribed.

CHAPTER - IV

AUTHORITIES OF THE INSTITUTE

Authorities of the Institute.

16. The following shall be the authorities of the Institute, namely:-

- (a) The Board of Governors;
- (b) The Senate; and
- [(c) The Board of Studies; and]
- (c) [(d)] such other authorities as may be declared by the Statutes to be the authorities of the Institute.

Board of Governors.

[17. (1) The Board shall consist of a Chairman to be nominated by the Chancellor in the manner prescribed and following other members, namely:—

- (a) Ex-officio members—*
 - (i) Development Commissioner;*
 - (i) (ii) Secretary to Government, Information Technology Department;*
 - (ii) (iii) Secretary to Government, Industries Employment, Technical Education and Training Department;*
 - (iii) (iv) Secretary to Government, Higher Education Department; and*
 - (iv) (v) the Director.*
- (b) Other members:—*
 - (i) three persons of eminence in the field of Information Technology or related discipline to be nominated in the manner prescribed in the Statutes;*
 - (ii) three persons representing industries of Information Technology to be nominated in the manner prescribed; and*
 - (iii) one professor of the Institute nominated by the Director;*
 - (iv) two Members of the Legislative Assembly nominated by Odisha legislative assembly;*
- (c) The Registrar, who shall be the member-Secretary].*

17. (1) The Board shall consist of a Chairman to be nominated by the Chancellor in the manner prescribed and following other members, namely:—

- (a) Ex-officio members—**
 - (i) Secretary to Government, Information Technology Department;**
 - (ii) Secretary to Government, Employment and Technical Education & Training Department;**
 - (iii) Secretary to Government, Higher Education Department; and**
 - (iv) the Director.**
- (b) Other members:—**

- (i) three persons of eminence in the field of Information Technology or related discipline to be nominated in the manner prescribed in the Statutes;
- (ii) three persons representing industries of Information Technology to be nominated in the manner prescribed;
- (iii) one professor of the Institute to be nominated by the Director ; and
- (iv) two Members from the Odisha Legislative Assembly to be nominated by the Speaker.
- (c) The Registrar, who shall be the member-Secretary.

(2) The term of office of the Chairman and other members other than the ex-officio members of the Board shall be three years from the date of his nomination and they shall be eligible for reappointment for the next consecutive term.

(3) The members of the Board other than the ex-officio members shall be entitled to such allowances from the Institute as may be prescribed.

Powers and functions of the Board.

18.(1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall also exercise all the powers of the Institute not otherwise provided for by this Act and shall have the power to review the work of the Senate.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the power to—

(i) take decisions on questions of policy relating to the administration and working of the Institute;

(ii) institute courses of study;

(iii) make Statutes;

(iv) create positions and appoint persons to academic as well as other posts in the Institute and determine salary structure and the terms and conditions of different cadres of employees;

(v) consider the Annual Budget proposals as recommended by the Finance Committee and approve the same;

(vi) consider and pass resolutions on the annual report and the annual accounts of the Institute for the next financial year together with a statement of its development plans as it thinks fit;

(vii) advise the Chancellor in respect of any matter which may be referred to for advice; and

(viii) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act.

(3) The Board shall have the power to appoint such committees as it may consider necessary for the exercise of its powers and the performance of its duties under this Act.

(4) The Board shall meet at least four times in a year and the presence of at least five members shall form the quorum for a meeting of the Board.

The Senate.

19.(1) The Senate shall be the principal academic body of the Institute and shall, subject to the provisions of this Act, the Statutes, the Regulations and the Rules, have the control and regulation of and be responsible for—

(i) interacting with the Board through the Director for formulation of academic policies and programmes to realise the strategic plan of the Institute;

(ii) maintenance of standards of instruction, education and examination within the Institute; and

(iii) exercise of such other powers and performing such other duties as may be conferred or imposed upon it by the Statutes;

(2) The constitution of the Senate and terms of office of its members shall be such, as may be prescribed.

(3) The Senate shall have the power to advise the Board on all academic matters.

(4) The Senate shall have the powers to make [Ordinances, Rules and] Regulations for the Institute.

[20. (1) *There shall be a Board of Studies for each branch or branches of study as the Senate may decide.*

(2) *The Board of Studies shall have the power to make Rules for giving effect to its decisions, as may be required.*

(3) *The manner of constitution and other powers of the Board of Studies shall be such, as may be prescribed by the Statutes.]*

[Board of Studies.]

Finance Committee.

20. [21.] (1) There shall be a Finance Committee constituted by the Board consisting of the following:—

(i) the Director;

(ii) the Comptroller of Finance shall be the member convener of the said committee

[(ii)] (iii) two other members nominated by the Board from amongst its members of whom one shall be a professor;

[(iii)] (iv) four such other members as may be prescribed by the Statutes;

(2) The members of the Finance Committee nominated by the Board shall hold office so long as they continue as members of the Board who shall be treated as ex-officio members.

(3) The functions and duties of the Finance Committee shall be as follows:—

- (i) to examine and scrutinize the annual budget and prepare the financial estimates of receipts and expenditures of the Institute and to make recommendations on financial matters to the Board;
- (ii) to consider all proposals for new expenditure and to make recommendations to the Board;
- (iii) to consider the periodical statement of accounts and to review the finances of the Institute from time to time and to consider reappropriation statements of the Board;
- (iv) to give its views and make recommendations to the Board on any financial question affecting the Institute either on its own initiative or on reference from the Board; and
- (v) to make rules for giving effect to its decisions as may be required.

(4) The Finance Committee shall meet at least four times in a year and three members of the Finance Committee shall form the quorum at any meeting.

(5) The Director shall preside over the meetings of the Finance Committee and in his absence a member elected at the meeting shall preside.

(6) In case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

(7) The term of office of the members other than the ex-officio members shall be such as may be prescribed.

Other Authorities.

21. [22.] The manner of constitution, powers and functions of the other authorities that may be declared by the Statutes to be the authorities of the Institute shall be such as may be prescribed.

Statutes.

22. [23.] Subject to the provision of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and functions of the authorities and other bodies of the Institute, as may be found necessary to be constituted from time to time;

(b) the election and continuance in office of the members of the authorities and bodies of the Institute, the filling up of vacancies of members and all other matters relating thereto which the Institute may deem necessary or desirable to provide;

(c) the manner of appointment of the officers of the Institute, terms and conditions of their service, their powers and duties and emoluments;

(d) creation of posts in different cadres of all employees, determination of their terms and conditions, salary structure including allowances etc.;

(e) creation of scholarships, assistantships, campus jobs, etc. for students, fixing their value along with roles and responsibilities and terms and conditions;

(f) the manner of appointment of the teachers of the Institute, academic staff, and other employees;

(g) the manner of appointment of teachers and other academic staff working in any other Institute for a specified period, their terms and conditions of service and emoluments;

(h) the constitution of the pension or the provident fund and the establishment of insurance scheme for the benefit of the employees of the Institute;

(i) the principles governing the seniority of the employees of the Institute;

(j) the procedure for any appeal by an employee or a student of the Institute;

(k) conferment of honorary degrees;

(l) institution of medals and prizes and other incentives;

(m) maintenance of discipline among the employees of the Institute;

(n) establishment of schools;

(o) the delegation of powers vested in the authorities or the officers of the Institute; and

(p) all other matters which are required to be made or prescribed, by or under this Act.

Procedure for making Statutes.

23. [24.] (1) The first Statutes of the Institute shall be made by the Government by notification and shall continue to be in force until amended or superseded by Statutes made by the Board in accordance with the provisions of this section.

(2) The Board may, from time to time, make new or additional Statutes or may amend the Statutes made under sub-section (1):

[Provided that the Board shall not make, amend or repeal any Statutes affecting the status, power or constitution of any authority of the Institute until such authority has been given a

reasonable opportunity of expressing its opinion in writing on the proposed change, and any opinion so expressed within the time specified by the Board has been considered by the Board.]

(3) Every new Statute or addition to the Statutes or any amendment thereof shall require the approval of the Chancellor, who may assent thereto or withhold his assent or remit it to the Board for reconsideration in the light of the observations, if any, made by him.

(4) A new Statute or a Statute amending an existing Statute shall not be valid unless it has received the assent of the Chancellor.

*[Ordinances and]
Regulation.*

24. [25.] (1) Subject to the provisions of the Act and the Statutes, the *[Ordinances] Regulations* may provide for all or any of the following matters, namely:—

- (i) the admission of students, the courses of study and the fees thereof, the qualifications pertaining to the award of degrees, diplomas, certificates and other academic distinctions, the conditions for the grant of fellowships and awards and the like;
- (ii) the conduct of examinations, including the terms and conditions of office and appointment of examiners;
- (iii) the conditions of residence of students and their general discipline;
- (iv) the procedures for the settlement of disputes between the employees and the Institute or between the students and the Institute;
- (v) maintenance of discipline among the students of the Institute;
- (vi) regulation of the conduct and duties of the employees and regulation of the conduct of the students of the Institute;
- (vii) determination of the categories of misconduct for which action may be taken under this Act or the Statutes or the *[Ordinances] Regulations*; and
- (viii) any other matter which, by or under this Act or the Statutes, is to be, or may be, provided for by the *[Ordinances] Regulations*.

[(2) The first Ordinances, Rules and Regulations shall be made by the Director with the approval of the Government and the Ordinances so made may be amended, repealed or added to, at any time by the Senate in such manner as may be prescribed].

(2) The first Regulation shall be made by the Director with the approval of the Government and Subsequent Regulations shall be made by the Senate;

(3) All Regulations made by the Senate shall have the effect from such date as it may direct, but every regulation so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board at its next succeeding meeting; and

(4) The Board shall have power by resolution to modify or cancel any such regulation and such regulation shall, from the date of such resolution, stand modified accordingly or cancelled, as the case may be.

[(3) The regulation may provide for the exercise of all or any of the powers and function of the Senate provided by or under this Act and the Statutes.]

Rules.

[26. The Rules made by the Senate , Board of Studies and the Finance Committee of the Institute shall be with the approval of the Board and consistent with this Act and the Statutes which shall be made in the manner prescribed by the Statutes for the conduct of their own business.]

25.(1) The first Rules shall be made by the Director with the approval of the Government and subsequent Rules may be made by the Senate and Finance Committee with the approval of the Board.

(2) The Rules made by the Senate and the Finance Committee shall be in consistent with the Act and the Statutes which shall be made in the manner prescribed by the Statutes for the conduct of their business.

Funds of the
Institutes.

26. [27.] (1) The Institute shall establish and maintain a Institute Fund to which be credited,—

- (i) all moneys received from the State Government, Central Government and Government agencies;
- (ii) all fees and other charges received by the Institute;
- (iii) all moneys received by the Institute by way of gifts, donations, benefactions, bequests or transfers; and
- (iv) all moneys received by the Institute in any other manner or from any other source.

(2) The Institute may create special purpose fund with the approval of the Board.

(3) All moneys credited to the fund shall be deposited in Scheduled banks or invested in such securities as may be decided by the Board.

(4) The funds shall be applied towards meeting capital and revenue expenses of the Institute incurred in exercise of powers and discharge of duties of the Institute in the manner, as may be prescribed by the Statutes.

Power to borrow.

27. [28.] The Board may, with the previous sanction of the Government as regards the purpose and amount of loan and subject to such conditions as may be specified by the Government as to security and rate of interest, borrow any sum of money from any Scheduled bank or any incorporated Body.

Accounts and Audit.

28. [29.] (1) The annual accounts and balance sheet of the Institute shall be prepared by the Comptroller of Finance under the direction of the Board and all moneys accruing to or received by the Institute from whatever sources and all amounts disbursed and paid by the Institute shall be entered in the account.

(2) The accounts of the Institute shall, at least once in every year and at an interval of not more than fifteen months, be audited in accordance with the provisions of the Orissa Local Fund Audit Act, 1948.

(3) All reports on audit made under sub-section (2) shall, as soon as may be after they are received from the Examiner of Local Accounts, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions.

(4) The Government shall have powers to issue direction to conduct special audit, if required, in respect of utilization of funds and the Institute shall comply with the directions issued by the Government on such audit.

(5) The Institute shall also take steps forthwith to rectify or remedy the defect or irregularity, if any, pointed out by the auditors.

Odisha Act 5 of 1948.

Annual Budget.

29. [30.] (1) The financial estimates of receipts and expenditure of the Institute shall be prepared by the Finance Committee in such manner as may be prescribed by the Statutes.

(2) The Board shall consider the estimates prepared by the Finance Committee and approve them with or without modification.

(3) The Board may, in urgent cases where expenditure in excess of the amounts provided for in the budget is found to be necessary, for reasons to be recorded in writing, incur such expenditure.

30. [31.] (1) The annual report of the Institute shall be prepared under the directions of the Director and shall include, among other matters, the steps taken by the Institute towards the fulfillment of its objectives and for realigning the Institute in accordance with the overall directions and general policies set by the Board.

(2) The annual report so prepared shall, after the approval of the Board, be submitted to the Government which shall, as soon as may be, cause the same to be laid before the Legislative Assembly of Odisha.

Pension and Provident fund.

31. [32.] The Institute shall constitute for the benefit of its employees such provident fund or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed.

Dispute relating to constitution of authorities of the Institute.

32. [33.] If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the Institute, the matter shall be referred to the Chancellor whose decision thereon shall be final.

Filling up of Casual Vacancies.

33. [34.] All vacancies arising by reason of death, resignation or otherwise among the members of any authority or other body of the Institute shall be filled up, as soon as may be convenient, in the same manner as those were filled up and the new members shall hold office for the unexpired portion of the term of his predecessor in office.

Registration and removal of members.

34. [35.] (1) Any member of any authority of the Institute may resign from his office by a letter addressed to the Registrar and the resignation shall take effect from the date of receipt of the letter by the Registrar.

(2) The Director may, on the recommendation of the Board, remove the name of any person, convicted by a court of law of any offence involving moral delinquency or punished by the Institute for malpractice connected with any Institute examination, from membership of any authority of the

Institute and for the same reason, may withdraw any degree or diploma conferred or granted by the Institute.

(3) The Director may, on the recommendation of the Board, also remove any person from the membership of any authority of the Institute, if he becomes mentally unsound or a deaf or mute or has applied to be adjudicated or has been adjudicated as insolvent.

(4) If a member of any authority of the Institute, who is not an ex-officio member, fails to attend three consecutive meetings of that authority, he shall cease to be a member of such authority, and thereupon the Registrar shall intimate him that he has ceased to be such member:

Provided that such authority may, if satisfied that there was sufficient cause for the failure of the member to attend the meetings, restore him to its membership with an intimation to the Registrar.

Vacancies not invalidate proceedings of the authorities.

35. [36.] No act or proceedings of any authority or other body of the Institute shall be invalid merely by reason of existence of any vacancy or vacancies of its members

Protection of action taken in good faith.

36. [37.] No suit or other legal proceeding shall lie in any court against the Institute or against any authority, officer or employee of the Institute for anything which is in good faith, done or intended to be done in pursuance of the provisions of this Act, the Statutes, the Regulations, [Ordinances] and the Rules.

Power to remove difficulties.

37. [38.] If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

Transitory provisions.

38. [39.] (1) Notwithstanding anything contained in this Act, the Governing Body of the Society functioning as such immediately before the commencement of this Act shall continue to function until a new Board is constituted for the Institute under this Act, and on constitution of a new Board under this Act, the members of the Governing Body of the Society holding office before such constitution shall cease to hold office:

(2) Person holding the office as Director of the Society immediately before the appointed date referred to in section 4 shall be deemed to be the Director of the Institute with effect from that date until regular appointment is made to the post by the Chancellor in accordance with the provision of this Act and Statutes.

(3) Person holding the office as Registrar and person holding the office of the Comptroller of Finance of the Society immediately before the appointed date referred to in section 4 shall be deemed to be the Registrar and the Comptroller of Finance of the Institute with effect from that date until regular appointments are made to the said offices in accordance with the provision of this Act and Statutes.

[2)] (4) Until Statutes, Regulations and Rules are made under the appropriate provisions of this Act, the Regulations and Rules, if any, which were made by the Society and in force immediately before the commencement of this Act shall be in force.

A. K. SARANGI

Secretary

Odisha Legislative Assembly